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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,814	03/22/2000	Duane Charles Gates	2328-023 RI	9066

7590 05/21/2002

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EXAMINER

PASCHALL, MARK H

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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13

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 07/07/02

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-56 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-56 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

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Reissue Applications

Claims 39-56 are rejected under 35 U.S.C. 251 as being based upon new matter added to the patent for which reissue is sought. The added material which is not supported by the prior patent is as follows:

In claim 39 the new matter is listed in lines 7-13 and comprises describing the coil as having interior, intermediate and peripheral portions and also describing different magnetic fluxes for these different coil portions. Note that the original disclosure and claims are silent as to any discussion of magnetic flux. These same limitations are likewise found in claim 45 on lines 10-16, and in claim 51 on lines 10-17, claim 54 on lines 8-15. In claims 40, 46-50 new matter is disclosed as the new limitations setting forth that the interior coil comprises plural radially and circumferentially extending turns, with the intermediate portion not including a complete turn. Note that the original disclosure is drawn to a coil having a first and a second segment in series, not the three segments now claimed.

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 39-56 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one

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skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. New matter is set forth in the above claims. The new matter comprises inclusion of a coil comprised of three segments , an interior portion, an intermediate portion and a peripheral portion. The original specification described only a coil having two segments in series. The new claims also set forth language setting forth variation of the magnetic flux relative to the coil segments. However, the original disclosure makes no mention of the term magnetic flux , but mentions only variation of the coil current to effect a plasma having uniform plasma characteristics.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 39-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over either or Hama et al '159. Note that Hama et al '159 teaches more current flow the peripheral portion of the coil than to the center portion of the coil. It is obvious that this effect results in a more intense magnetic flux at the peripheral portion of the plasma chamber , as claimed.

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Claims 39-56 are rejected under 35 U.S.C. 251 as being broadened in a reissue application filed outside the two year statutory period. The original patented claims set forth use of different magnitude currents through the individual coil segments. These limitations were entered into the claims in an amendment filed 3-3-97. New claims 39-56 are silent as to this patentable feature .

Response to Arguments

1. Applicant's arguments filed 02-07-02 have been fully considered but they are not persuasive. Applicant should note that concerning the prior art rejection the patent relied on is to Hama et al 159' and not the Hama et al '451. For this reason this office action is non - final. Concerning the rejection and objection re new matter both the rejection and objection stands. Applicant advances that the parent that the present reissue was based on was used by another Examiner as a reference to anticipate claims in another application. What another Examiner did in another office action does not influence the present new matter issue. As stated in the instant office action the new matter pointed out is not present in the parent of the present reissue. If Applicant is requested to point out word and line in the parent just where the basis for the new matter exists, in the forthcoming response.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. H. Paschall whose telephone number is (703) 308-1642.

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M H Paschall
Mark Paschall
Primary Examiner